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EXAMINER

ZIEMER, R

ART UNIT

PAPER NUMBER

2184

DATE MAILED:

11/09/00

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

MIA

Office Action Summary

Application No.

09/116,310

Applicant(s)

~~Woodruff~~

Woodruff

Examiner

Rita Ziemer

Group Art Unit

2184



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culley et al., U.S. Patent No. 6,000,040 in view of Fawcett et al., U.S. Patent No. 5,678,002.

As per claims 1 and 5, Culley teaches resetting a computer from a remote location, (column 6 lines 23-25) and running diagnostic software. (Column 5 lines 9-16) Culley does not specifically state that the diagnostic software is downloaded from a remote location. Fawcett teaches that the diagnostic software can be downloaded if necessary. (Column 2 lines 5-10) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Culley to download the diagnostic software if necessary as taught by Fawcett because, it

would make previously remote diagnostic software generally available to the client computer system with or without connection to the remote system and allow faster use of the diagnostic software on the client computer system. This would have been obvious because both Culley and Fawcett diagnosis of faults in a client computer system aided by a remote manager system. Accordingly, one of ordinary skill in the art would have recognized this and concluded that they are from the same field of endeavor. This would have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

As per claim 2, Culley teaches that the remote reset includes interfacing with the computer system via a remote connection, and sending a request to a shut down agent via the remote connection. (Column 6 lines 19-25)

As per claims 3, 4 and 21, Culley teaches interrogating the computer system by retrieving BIOS information from the computer system. (Column 4 lines 37-43)

As per claims 5 and 6, Culley does not specifically teach downloading diagnostic software to a location on the client computer system. Fawcett teaches downloading diagnostic software onto the computer system. (Column 2 lines 5-10) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Culley to download the diagnostic software if necessary as taught by Fawcett because, it would make previously remote diagnostic software generally available to the client computer system with or without connection to the remote system and allow faster use of the diagnostic software on the client computer system. This would have been obvious because both Culley and Fawcett diagnosis of faults in a client

computer system aided by a remote manager system. Accordingly, one of ordinary skill in the art would have recognized this and concluded that they are from the same field of endeavor. This would have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

As per claim 7, Culley does not teach that the remote connection is Ethernet. The Examiner takes official notice that the use of Ethernet for communication between computers is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to allow Culley to use an Ethernet connection between the computers to provide a means of communication as would be necessary to communicate a remote reboot, for example.

As per claim 8, Culley teaches that the remote connection can be a modem connected to a management module. (Column 3 lines 4-16)

As per claim 9, Culley teaches that the remote connection can be serial connected to a serial interface. (Column 3 lines 56-57)

As per claim 10, Culley teaches that the remote connection can be a modem connected to a serial interface. (Column 3 lines 4-16)

As per claims 11 and 15, Culley does not specifically teach determining if a remote computer is requesting a diagnostic session, or writing diagnostic code to client memory locations. Fawcett teaches determining if a remote computer is requesting a diagnostic session,

(column 7 lines 5-21) and writing diagnostic code to client memory locations. (Column 2 lines 5-10) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Culley to determine if a diagnostic session is requested and to download the diagnostic software if necessary as taught by Fawcett because, it would allow a diagnostic session to begin between a client computer and remote manger and it would make previously remote diagnostic software generally available to the client computer system with or without connection to the remote system and allow faster use of the diagnostic software on the client computer system. This would have been obvious because both Culley and Fawcett diagnosis of faults in a client computer system aided by a remote manager system. Accordingly, one of ordinary skill in the art would have recognized this and concluded that they are from the same field of endeavor. This would have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

As per claims 12 and 16, Culley does not specifically teach transmitting a query for a diagnostic request. Fawcett teaches transmitting a query for a diagnostic request. (Column 7 lines 5-21) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Culley to transmit a diagnostic session request as taught by Fawcett because, it would allow a diagnostic session to begin between a client computer and remote manger. This would have been obvious because both Culley and Fawcett diagnosis of faults in a client computer system aided by a remote manager system. Accordingly, one of ordinary skill in the art would have recognized this and concluded that they are from the same field of endeavor. This would

have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

As per claims 13, 17 and 20, Culley does not teach determining if the remote computer is authorized to participate in a diagnostic session. Fawcett teaches determining if the computer is authorized to participate in a diagnostic session. (Column 5 line 59 - column 6 line 3) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Culley to check authorization as taught by Fawcett because, it would prevent an unauthorized system from connecting to the remote manager and using the diagnostic system as a means of hacking into the managing system. This would have been obvious because both Culley and Fawcett diagnosis of faults in a client computer system aided by a remote manager system. Accordingly, one of ordinary skill in the art would have recognized this and concluded that they are from the same field of endeavor. This would have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

As per claim 14, Culley teaches executing the diagnostic software. (Column 5 lines 9-16)

As per claim 18, Culley teaches that the computer readable medium is a ROM and the instruction sequence is a BIOS. (Column 4 lines 58-60)

As per claims 19 and 22, Culley teaches resetting a computer system in response to a remote shut down request. (Column 6 lines 23-25) Culley does not specifically teach determining if a remote computer is requesting a diagnostic session, or writing diagnostic code to specified memory locations. Fawcett teaches determining if a remote computer is requesting a diagnostic

session, (column 7 lines 5-21) and writing diagnostic code to client memory locations. (Column 2 lines 5-10) It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow Culley to determine if a diagnostic session is requested and to download the diagnostic software if necessary as taught by Fawcett because, it would allow a diagnostic session to begin between a client computer and remote manger and it would make previously remote diagnostic software generally available to the client computer system with or without connection to the remote system and allow faster use of the diagnostic software on the client computer system. This would have been obvious because both Culley and Fawcett diagnosis of faults in a client computer system aided by a remote manager system. Accordingly, one of ordinary skill in the art would have recognized this and concluded that they are from the same field of endeavor. This would have motivated one of ordinary skill in the art to implement the above combination for the advantages set forth above.

As per claim 22, Culley also teaches that a computer has a bus, a processor, and a memory. (Column 3 lines 4-16)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Art Unit: 2184

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Ziemer, whose telephone number is (703) 308-7090. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Robert W. Beausoliel, Jr., can be reached at (703) 305-9713. Additionally, the fax phone for Art Unit 2184 is (703) 308-9051 or 308-9052.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.

Rita Ziemer
November 3, 2000


Robert W. Beausoliel, Jr.
Supervisory Patent Examiner
Art Unit 2184